

MEMORANDUM

DATE: August 11, 2010
TO: JCC Chesapeake Bay Board
FROM: Michael D. Woolson, Senior Watershed Planner
SUBJECT: CBE 10-038 – Cooke's Garden Center

On November 12, 2009 the Chesapeake Bay Board was presented with an exception request for Cooke's Garden Center. The exception (CBE-10-038) requested Board approval for the continued use of the RPA for display and storage of nursery container stock. The applicant proposed the reduction of impervious cover from the RPA, while still allowing a portion of the RPA to be used for the commercial sale of plant material.

Following the Board's discussion, the applicants requested a deferral to provide additional time to respond to specific issues and concerns raised by the Board. A motion for a deferral of this case was voted on and approved by the Board.

The Board requested that a site plan (SP-057-10) and a nutrient management plan (pollution prevention plan) be submitted for review to the County. This was done on July 9, 2010. One additional area for the Board's consideration is the enlarging of an existing on-site pond for stormwater management purposes. This pond captures and treats stormwater from the existing site (3 parcels) plus a portion of off-site area currently not treated.

Staff believes that the submitted plans before the Board addresses concerns outlined in the November 12, 2009 public hearing and that this project significantly reduces the proposed RPA buffer impacts, increases the area of undisturbed RPA buffer, provides RPA mitigation, and addresses water quality issues.

This revised proposal before you this evening:

1. Eliminates 8,364 square feet of impacts caused by the existing gravel within the RPA area.
2. Provides stormwater treatment, to current guidelines, for the entire 3 parcels plus an adjacent off-site parcel.
3. Provides a pollution prevention plan.
4. Provides a 3,942 sf green roof over the garden center.
5. Provides an underground rainwater harvesting tank (cistern) for the capture and reuse of rainwater for irrigation purposes.

The issue before the Chesapeake Bay Board is a revised application, requesting Board approval for 6,273 square feet of RPA buffer impacts for walkways and a portion of a stormwater management facility for this retail plant and garden supply sales operation. This will bring the entire site into compliance for current stormwater regulations, along with a green roof and cistern to promote reuse and recycling of rainwater.

Staff Recommendations

Staff recommends approval of CBE-10-038, as revised, with the proposed mitigation measures as outlined in the WQIA and site plan. Furthermore, this approval should be conditioned as follows:

1. The applicant must obtain all other necessary federal, state, and local permits and approvals as required for the project.
2. The removal of 8,364 sf of RPA buffer impacts caused by the existing gravel.
3. This exception request shall be null and void if construction has not begun by August 11, 2011.
4. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-10-038 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-10-038 are included for the Board's use and decision.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments:

1. Original staff report, dated November 12, 2009
2. Sheet C-3A, Environmental Inventory – Proposed (from SP-057-10)
3. Nutrient Management Plan (Pollution Prevention Plan)